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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/245,493 02/05/99 CINCOTTA

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005514 LM01/0121  
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EXAMINER

NGUYEN, N

ART UNIT

PAPER NUMBER

2764

DATE MAILED:

01/21/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/245,493

Applicant(s)

Cincotta

Examiner

Nga B. Nguyen

Group Art Unit

2764



☒ Responsive to communication(s) filed on Feb 5, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-5 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-5 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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### DETAILED ACTION

1. This Office Action is the answer to the Amendment received on February 5, 1999 , which paper has been placed of record in the file.
2. Claims 1-5 are pending in this application.

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-5 are rejected under 35 U.S.C. 102(a) as being anticipated by Walker et al, U.S. Patent No. 5,794,207.

Regarding claim 1, Walker discloses a method, to be administered by an administering entity, for allowing a plurality of participants to prepay for services or goods to be received at a later date from one of a plurality of specified providers, the method comprising the steps of:

executing contracts between the administering entity and each of the plurality of participants in which a contracting participant pays to the administering entity a cash amount and in return receives from the administering entity a promise to deliver at a future data a specified measure of services or goods, the services or goods to be provided by whichever of the plurality

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of specified providers the contracting participant selects (column 16, lines 12-63; column 19, lines 29-45 and column 21, lines 1-60);

determining, for each of the plurality of specified providers, a predicted total measure of services or goods that will be required from that provider by the aggregate of the plurality of participants (column 31, lines 15-67); and

executing contracts between the administrating entity and each of the plurality of specified providers in which the administrating entity pays to a contracting provider a cash amount and in return receives from the contracting provider a promise to deliver a specified measure or services or goods (column 21, lines 1-15 and column 29, lines 7-17).

Regarding claim 2, Walker discloses the administrating entity ascertains the measure of services or goods to be specified in each contract with a provider in accordance with the predicted total measure of services or goods that will be required from that provider (column 19, lines 12-54).

Claims 3 and 4 are written in means and contain the same limitations as claims 1 and 2, respectively, therefore, are rejected by the same rationale.

Regarding claim 5, Walker discloses a financial data processing system for allowing a plurality of participants to prepay for services or goods to be received at a later date from one of a plurality of specified providers, the choice of which of which of the plurality of providers will deliver the services or goods being made by a participant at the time the goods and services are to be delivered:

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a machine-readable storage devices which stores data indicating measures of services or goods for which each participant has prepaid and measures of services or goods which each provider has contracted to provide (column 12, lines 54-67);

a processing circuit for determining, for each of the providers, a predicted total measure of services or goods that will be required from that provider by the aggregate of the plurality of participants (column 12, lines 3-53).

***Conclusion***

5. Claims 1-5 are rejected.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen, whose telephone number is (703)306-2901. The examiner can normally be reached on Monday-Friday from 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell, can be reached on (703)305-9768.

7. Any response to this action should be mail to:

Commissioner of Patents and Trademarks

c/o Technology Center 2700

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

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or:

(703) 308-5397 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II,  
2121 Crystal Drive, Arlington.  
VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the Group receptionist whose telephone number is (703)305-3900.

Nga B. Nguyen  
January 17, 2000



James P. Trammell  
Supervisory Patent Examiner  
Technology Center 2700